

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

457J0098

HOUSE STATE AFFAIRS COMMITTEE ENGROSSED NO. HB 1201 - 01/28/2004

Introduced by: Representatives Williamson and Murschel and Senator Kelly

1 FOR AN ACT ENTITLED, An Act to authorize the issuance of revenue bonds to finance
2 certain water pipelines or aqueducts.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 46A-1-72 be amended to read as follows:

5 46A-1-72. Construction of a ~~West River~~ pipeline or aqueduct from the Oahe a mainstream
6 Missouri reservoir, the Missouri River itself, or adjacent aquifers to the border with Wyoming
7 one or more communities in South Dakota is hereby authorized for a main delivery pipeline
8 capable of delivering ~~approximately twenty-seven thousand acre-feet of water per year with up~~
9 ~~to approximately seven thousand acre-feet to be available for use in western South Dakota and~~
10 ~~the balance into Wyoming~~ water sufficient to supply or supplement the needs of the
11 communities and other private or commercial users purchasing water from the communities.

12 Section 2. That § 46A-1-73 be amended to read as follows:

13 46A-1-73. The South Dakota Conservancy District is hereby authorized to issue bonds for
14 ~~the West River~~ a pipeline or aqueduct pursuant to section 1 of this Act in an amount not to
15 exceed ~~three hundred fifty~~ five hundred million dollars. The district may enter into a financing



1 agreement to loan the proceeds of the bonds as authorized by law. The financing agreement shall
2 provide for repayment of the loan through payments sufficient to pay the principal of, premium,
3 if any, and interest on the bonds. The loan shall be secured by ~~take or pay~~ contracts for the
4 ~~transportation of coal~~ delivery and sale of water and such additional security as is necessary for
5 repayment and to market the bonds. The bonds ~~shall do~~ not constitute an indebtedness of the
6 state and ~~shall do~~ not constitute nor give rise to a pecuniary or moral liability of the state or a
7 charge against its general credit or taxing powers. No tax revenues of the state, its people, or any
8 of its political subdivisions ~~shall may~~ be in any manner obligated to pay for any portion of the
9 construction or financing of the ~~West River~~ pipeline or aqueduct.

10 Section 3. That § 46A-1-74 be repealed.

11 ~~— 46A-1-74. The South Dakota Conservancy District is hereby authorized to contract, without~~
12 ~~using state tax revenues, for an independent market study to determine the demand for water~~
13 ~~from the West River Aqueduct.~~